

77-36-5.1 Conditions of probation for person convicted of domestic violence offense.

- (1) Before any perpetrator who has been convicted of a domestic violence offense may be placed on probation, the court shall consider the safety and protection of the victim and any member of the victim's family or household.
- (2) The court may condition probation or a plea in abeyance on the perpetrator's compliance with one or more orders of the court, which may include a sentencing protective order:
 - (a) enjoining the perpetrator from threatening to commit or committing acts of domestic violence against the victim or other family or household member;
 - (b) prohibiting the perpetrator from harassing, telephoning, contacting, or otherwise communicating with the victim, directly or indirectly;
 - (c) requiring the perpetrator to stay away from the victim's residence, school, place of employment, and the premises of any of these, or a specified place frequented regularly by the victim or any designated family or household member;
 - (d) prohibiting the perpetrator from possessing or consuming alcohol or controlled substances;
 - (e) prohibiting the perpetrator from purchasing, using, or possessing a firearm or other specified weapon;
 - (f) directing the perpetrator to surrender any weapons the perpetrator owns or possesses;
 - (g) directing the perpetrator to participate in and complete, to the satisfaction of the court, a program of intervention for perpetrators, treatment for alcohol or substance abuse, or psychiatric or psychological treatment;
 - (h) directing the perpetrator to pay restitution to the victim; and
 - (i) imposing any other condition necessary to protect the victim and any other designated family or household member or to rehabilitate the perpetrator.
- (3) The perpetrator is responsible for the costs of any condition of probation, according to the perpetrator's ability to pay.
- (4)
 - (a) Adult Probation and Parole, or other provider, shall immediately report to the court and notify the victim of any offense involving domestic violence committed by the perpetrator, the perpetrator's failure to comply with any condition imposed by the court, and any violation of any sentencing criminal protective order issued by the court.
 - (b) Notification of the victim under Subsection (4)(a) shall consist of a good faith reasonable effort to provide prompt notification, including mailing a copy of the notification to the last-known address of the victim.
- (5) The court shall transmit all dismissals, terminations, and expirations of pretrial and sentencing criminal protective orders issued by the court to the statewide domestic violence network.

Amended by Chapter 384, 2010 General Session